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## FACSIMILE COVER SHEET

DATE: October 6, 2005  
TO: Examiner HOM, Shick C. FAX NO.: 703-872-9306  
USPTO - GAU 2666  
FROM: Adam D. Sheehan  
Reg. No. 42,146  
RE: REPLY TO NOTICE OF NON-COMPLIANT AMENDMENT

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U.S. APP NO.: 10/766,314

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FILING DATE: 01/28/2004

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APPLICANT(S): Stuart Lynch Blackburn

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ATTY DKT NO.: 1033-NW1001

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TITLE: DIGITAL SUBSCRIBER LINE USER CAPACITY ESTIMATION

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NO. OF PAGES (INCL. COVER SHEET): 13

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## MESSAGE:

Attached please find:

- ☒ PTO/SB/21 Transmittal Form (1 pg.)
- ☒ Reply to Notice of Non-Compliant Amendment (1 pg.)
- ☒ Reply to Non-Final Office Action (10 pgs.)

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PTO/SB/21 (09-04)

Approved for use through 07/31/2008. OMB 0651-0031

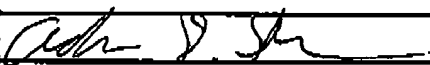
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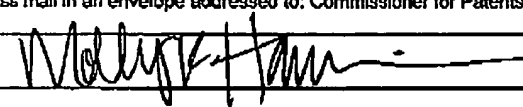
|   |                      |                        |             |
|---|----------------------|------------------------|-------------|
| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | Application Number   | 10/766,314             |             |
|   | Filing Date          | January 28, 2004       |             |
|   | First Named Inventor | Stuart Lynch Blackburn |             |
|   | Art Unit             | 2666                   |             |
|   | Examiner Name        | HOM, Shick C.          |             |
| Total Number of Pages in This Submission  | 12                   | Attorney Docket Number | 1033-NW1001 |

| ENCLOSURES (Check all that apply)  |  |  |
|--|--|--|
| <input type="checkbox"/> Fee Transmittal Form<br><input type="checkbox"/> Fee Attached<br><input checked="" type="checkbox"/> Amendment/Reply<br><input type="checkbox"/> After Final<br><input type="checkbox"/> Affidavits/declaration(s)<br><input type="checkbox"/> Extension of Time Request<br><input type="checkbox"/> Express Abandonment Request<br><input type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><input type="checkbox"/> Reply to Missing Parts/Incomplete Application<br><input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) Replacement Sheets 1, 6<br><input type="checkbox"/> Licensing-related Papers<br><input type="checkbox"/> Petition<br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><input type="checkbox"/> Power of Attorney, Revocation<br><input type="checkbox"/> Change of Correspondence Address<br><input type="checkbox"/> Terminal Disclaimer<br><input type="checkbox"/> Request for Refund<br><input type="checkbox"/> CD, Number of CD(s) _____<br><input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC<br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)<br><input type="checkbox"/> Proprietary Information<br><input type="checkbox"/> Status Letter<br><input type="checkbox"/> Other Enclosure(s) (please identify below): |
| Remarks<br>CUSTOMER NO.: 34456   |  |  |

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|              |   |          |        |
|--------------|---|----------|--------|
| Firm Name    | TOLER, LARSON & ABEL, LLP   |          |        |
| Signature    |  |          |        |
| Printed name | Adam D. Sheehan   |          |        |
| Date         | October 6, 2005   | Reg. No. | 42,146 |

## CERTIFICATE OF TRANSMISSION/MAILING

|   |   |      |                 |
|---|---|------|-----------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below: |   |      |                 |
| Signature   |  |      |                 |
| Typed or printed name   | Molly K. Harrison   | Date | October 6, 2005 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Stuart Lynch Blackburn

Title: DIGITAL SUBSCRIBER LINE USER CAPACITY ESTIMATION

App. No.: 10/766,314

Filed: 01/28/2004

Examiner: HOM, Shick C.

Group Art Unit: 2666

Customer No.: 34456

Confirmation No.: 1206

Atty. Dkt No.: 1033-NW1001

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M/S AMENDMENT

Commissioner for Patents

PO Box 1450

Alexandria, VA 22313-1450


## REPLY TO NOTICE OF NON-COMPLIANT AMENDMENT

Dear Sir:

In reply to the Notice of Non-Compliant Amendment mailed September 19, 2005, a copy of the Reply to Non-Final Office Action is provided. Applicant believes the attached reply is in compliance with 37 C.F.R. §1.121.

The Commissioner is hereby authorized to charge any fees that may be required, or credit any overpayment, to Deposit Account Number 50-2469.

Respectfully submitted,

10/6/05  
Date  
Adam D. Sheehan; Reg. No. 42,146  
Attorney for Applicant  
TOLER, LARSON & ABEL, L.L.P.  
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(512) 327-5452 (fax)

PATENT

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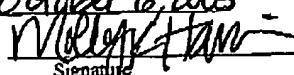
PO Box 1450

Alexandria, VA 22313-1450

## REPLY TO NON-FINAL OFFICE ACTION

Dear Sir:

In reply to the Non-Final Office Action mailed March 25, 2005, please amend the above-identified application as follows:

|  |  |
|--|--|
| CERTIFICATE OF TRANSMISSION/MAILING  |  |
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Commissioner for Patents on <u>October 6, 2005</u> |  |
| Molly K. Harrison  |  |
| Typed or Printed Name  | Signature  |